

HON. JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

|                            |   |                           |
|----------------------------|---|---------------------------|
| RE SOURCES FOR SUSTAINABLE | ) |                           |
| COMMUNITIES,               | ) | No. C11-2076-JCC          |
|                            | ) |                           |
| Plaintiff,                 | ) | JOINT MOTION FOR ENTRY OF |
| v.                         | ) | CONSENT DECREE            |
|                            | ) |                           |
| PACIFIC INTERNATIONAL      | ) | Note on Motion Calendar:  |
| TERMINALS, INC.,           | ) |                           |
|                            | ) | September 27, 2013        |
| Defendant.                 | ) |                           |
|                            | ) |                           |

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MOTION

Plaintiff, RE Sources for Sustainable Communities, and Defendant, Pacific International Terminals, Inc., jointly move the Court for an order approving the entry of the Consent Decree filed herewith.

STATEMENT IN SUPPORT

Plaintiff's Clean Water Act claim arise from an alleged unpermitted discharge of dredged or fill material into navigable waters at Defendant's property in Whatcom County, Washington. This action was filed pursuant to the citizen-suit provision of the federal Clean Water Act, 33 U.S.C. § 1365.

JOINT MOTION FOR ENTRY - 1  
No. 3:12-cv-05450-BHS

SMITH & LONEY, P.L.L.C.  
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1 Plaintiff and Defendant have agreed that settlement of this matter, with Defendant's  
2 admission of liability for the unpermitted discharge of fill to 1.2 acres of wetlands in violation of  
3 Section 301(a) of the Clean Water Act, 33, U.S.C. § 1311(a), solely for the purpose of the  
4 Consent Decree and for no other purpose, is in the public interest and that entry of the Consent  
5 Decree is the most appropriate means of resolving this matter.  
6

7 Pursuant to 33 U.S.C. § 1365(c)(3) and 40 C.F.R. §§ 135.4 and 135.5, copies of the  
8 Complaint and the Consent Decree will be served on the U.S. Attorney General, the  
9 Administrator of the U.S. EPA, and the Regional Administrator of Region 10 of the U.S. EPA.  
10 The Consent Decree may not be entered before 45 days following receipt by both the  
11 Administrator and the Attorney General. The noting date for the Court's consideration of this  
12 matter has been scheduled accordingly.  
13

14 The parties respectfully request this Court enter the Consent Decree.  
15

16 RESPECTFULLY SUBMITTED this 31st day of July, 2013.

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**CERTIFICATE OF SERVICE**

I certify that on July 31, 2013, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System, which will send notification of such filing to the following:

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